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19 IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

JOINT DISCOVERY STATUS REPORT

20 THIS DOCUMENT RELATES TO:

21 || ALL ACTIONS

23 Pursuant to the Court's April 1, 2013 Case Management Order (Dkt. 380), the parties
24 submit this joint discovery status report.

I. Status of Discovery

No depositions have taken place since the April 12, 2013 Joint Discovery Status Report. The deposition of Sheryl Sandberg (formerly of Google) remains outstanding.

1 Google produced 370 documents, as referenced below, and Intuit produced two new
 2 spreadsheet documents since the parties filed their April 12, 2013 Report.

3 **II. Salary Range and/or Market Reference Guideline**

4 On February 22, 2013, Plaintiffs asked each Defendant to confirm that it had produced all
 5 compensation materials in response to Plaintiffs' Requests for Production of Documents.
 6 Between February and March, 2013, each Defendant confirmed it had produced all compensation
 7 materials to Plaintiffs. However, at the close of discovery, Plaintiffs became concerned that such
 8 production regarding salary or market pay ranges was not complete for each Defendant. During
 9 the April 8, 2013 Case Management Conference, counsel for Adobe, Apple, Intel, Intuit,
 10 Lucasfilm, and Pixar agreed to confirm that they have produced documents sufficient to show
 11 their salary and/or market ranges during the discovery period. Google had already confirmed its
 12 production prior to the Case Management Conference. Adobe did so on April 9, 2013.

13 **Apple:** On April 10, 2013, Plaintiffs' counsel asked Apple either to produce its salary
 14 ranges for all class job titles and/or codes during the discovery period, or to indicate where in
 15 their production Apple had already done so. On April 10 and 12, Apple indicated that it had
 16 produced documents reflecting recommended salary ranges throughout the class period and
 17 identified those documents by Bates number. On April 15, Plaintiffs sent Apple a letter
 18 explaining that they have reviewed these materials, and that they all display what appears to be
 19 salary range information; however, these documents, without more, afforded Plaintiffs no ability
 20 to ascertain which salary range actually applied to any position or job title actually held by Apple
 21 employees. Apple responded to Plaintiffs' letter on April 19 and stated that the recommended
 22 salary ranges can be linked to a field in Apple's actual employee compensation data, which
 23 includes job titles and other information for each employee. Plaintiffs are reviewing the
 24 statements made by Apple.

25 **Intel:** On April 10, 2013, Plaintiffs' counsel asked Intel either to produce its salary ranges
 26 for all class job titles and/or codes during the discovery period, or to indicate where in their
 27 production Intel had already done so. Intel responded by letter dated April 12, 2013 that Intel had
 28 "produced 74,798 documents in this action," noting that Intel had produced a 30(b)(6) deponent

1 “to answer Plaintiffs’ questions about its data productions,” and referring Plaintiffs to
 2 “76586DOC001450, among other responsive, non-privileged documents on this subject,” which
 3 Intel characterized as “complying fully with its discovery obligations in all respects.” That same
 4 day, Plaintiffs sent Intel an email in response asking for clarification on what exactly
 5 76586DOC001450 is supposed to be. Plaintiffs’ April 12 email further requested that Intel clarify
 6 the source of the job codes listed on the document, whether they were developed by Intel, adopted
 7 or adapted from the Radford survey or some other market survey data, or developed in some other
 8 way.

9 Intel responded to Plaintiffs’ April 12 email on April 19, answering the questions
 10 Plaintiffs raised in it (i.e., a description of the document, and whether the source of the data was
 11 from Intel or from a market survey). 76586DOC001450 is a list of Intel’s salary ranges
 12 categorized by job grade, for each year from 2004 through 2011. These are the salary ranges Intel
 13 used to determine compensation for its employees. Intel is reviewing additional issues Plaintiffs
 14 raised after their April 12 email and will respond in a timely manner. In addition, Intel will
 15 comply with the Court’s order and file a declaration regarding the production of its compensation
 16 materials by April 25.

17 **Intuit**: Intuit has confirmed that it produced all historical market reference data in its
 18 possession that Plaintiffs requested. Intuit is working with Plaintiffs to identify the date and
 19 origin of the historical market reference data within its production.

20 **Lucasfilm**: On April 10, 2013, Plaintiffs’ counsel asked Lucasfilm either to produce its
 21 salary ranges for all class job titles and/or codes during the discovery period, or to indicate where
 22 in their production Lucasfilm had already done so. Lucasfilm responded on Friday, April 12,
 23 2013, pointing to several salary range-related documents and producing one additional document.

24 That same day, Plaintiffs wrote a letter in response again noting that despite Lucasfilm’s
 25 production of documents that appear partially to reflect or comprise Lucasfilm’s base salary range
 26 information, such documents including the newly produced document still did not appear to
 27 reflect all of the base salary ranges developed by Lucasfilm and assigned to Class jobs throughout
 28 the Class Period. Lucasfilm responded to Plaintiffs’ April 12 letter on April 18, 2013, and stated

1 that it had no additional documents to produce in response to Plaintiffs' inquiries. Lucasfilm has
2 not yet confirmed complete production of its compensation materials but has advised Plaintiffs
3 that it intends to comply fully with the Court's April 15 Order.

4 **Pixar**: In response to Plaintiffs' request, Pixar has identified additional documents
5 correlating salary survey data to Pixar job codes and/or titles. Pixar expects to produce the
6 additional documents to Plaintiffs early next week.

7 **III. Steve Jobs Apple Town Hall Materials**

8 Plaintiffs have asked Apple to confirm that Apple has produced all materials (including
9 transcripts, video, and audio) of Apple town hall meetings during which Steve Jobs discussed
10 responsive and relevant issues with Apple employees. Apple produced the transcript from its
11 January 28, 2010 town hall meeting at Plaintiffs' request on April 12, 2013, as indicated in the
12 last discovery status report. After a further search of its files, Apple located three additional
13 responsive transcripts from town hall meetings, which it produced on April 18, 2013. Apple has
14 advised Plaintiffs that it has completed its search and production of transcripts in response to this
15 request. Plaintiffs and Apple are discussing any video or audio relating to this request.

16 **IV. Google “inyourfacebook” Documents**

17 Google has completed a search for materials related to this site and has produced related
18 documents this week, as described above.

19 **V. Discovery Status Reports**

20 Plaintiffs respectfully submit that the parties should continue to provide the Court with
21 weekly discovery status reports until the aforementioned discovery issues are resolved.

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1 Respectfully submitted,

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30 **ATTESTATION:** Pursuant to General Order 45, Part X-B, the filer attests that concurrence in
31 the filing of this document has been obtained from all signatories.